



Southeast Fishery Bulletin

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Regulatory Changes for Bycatch Reduction Devices in the Southeastern Shrimp Fishery Small Entity Compliance Guide

NOAA's National Marine Fisheries Service (NOAA Fisheries Service) has published a final rule making the following changes regarding bycatch reduction devices (BRDs) used by the shrimp fishery:

- The BRD certification criterion is changed for the western Gulf of Mexico.
- The BRD Testing Manuals (also known as the BRD Protocols) have been revised and consolidated.
- New BRDs are certified for use in the shrimp fishery.

Background

BRDs have been required in shrimp trawls since 1997 for the South Atlantic, since 1998 for the western Gulf of Mexico (western Gulf), and since 2004 for the eastern Gulf of Mexico (eastern Gulf). Both the Gulf of Mexico (GMFMC) and South Atlantic (SAFMC) Fishery Management Councils established Bycatch Reduction Device Testing Protocol Manuals, outlining procedures to test and certify additional BRDs.

BRD certification criteria have differed by area. In the western Gulf, BRDs have been certified based on their ability to reduce red snapper bycatch. In the eastern Gulf, BRDs are certified if they reduce the weight of the finfish bycatch by at least 30 percent. Originally, BRDs were certified for the South Atlantic based on their effectiveness at reducing Spanish mackerel and weakfish, but in 2005, the SAFMC changed the criterion to a 30-percent finfish reduction.

Change the Western Gulf Certification Criterion

The new rulemaking modifies the bycatch reduction certification criterion for the western Gulf to match the criterion of the eastern Gulf and South Atlantic. A BRD that reduces the weight of finfish in a trawl by 30 percent will be certified for use in the shrimp fishery of the western Gulf. This change makes the BRD certification criterion consistent throughout the jurisdiction of the GMFMC and SAFMC.

In addition, NOAA Fisheries Service has created a "provisional certification" category for BRDs. A provisional certification would apply to a BRD that excludes at least 25 percent of the finfish by weight in a trawl. A provisional certification will allow the BRD to be used in the Gulf of Mexico or South Atlantic for 2 years. This time period allows additional wide-scale industry evaluation of the BRD to further refine the design or application of the BRD so it can eventually meet the 30 percent finfish exclusion rate to be fully certified.

Revise and Consolidate the BRD Testing Manuals

With a consistent certification criterion throughout the southeast, NOAA Fisheries Service has consolidated and revised the BRD testing manuals for the Gulf of Mexico and the South Atlantic. The original manuals spelled out rigorous "one-size-fits-all" testing procedures to be followed by every applicant. The primary change in the manual's procedures now allows applicants to describe how they intend to test a new BRD. This allows additional flexibility for a specific test. In addition, NOAA Fisheries Service changed the statistical procedure used to evaluate the data collected during a test. The changes are intended to promote additional research on BRDs, while ensuring an acceptable level of statistical precision and accuracy in the results.

Certify New BRDs

Based on the changes from this rulemaking, NOAA Fisheries Service has certified new and more effective BRDs for use in the shrimp fishery. The BRDs may be used in the fishery beginning **March 14, 2008**. The Modified Jones-Davis BRD is certified for use in the Gulf of Mexico and South Atlantic regions. The Composite Panel BRD is provisionally certified for use in both areas as well, until **February 13, 2010**.

In addition, the Extended Funnel BRD is currently certified for use in the eastern Gulf of Mexico and South

Atlantic, but it is not certified for the western Gulf. With the change to the certification criterion for the western Gulf, the Extended Funnel BRD will be allowed in the western Gulf. However, recent tests in the Gulf of Mexico indicate the Extended Funnel BRD only meets the requirements to be provisionally certified. Therefore, the Extended Funnel BRD will be provisionally certified throughout the Gulf of Mexico through **February 13, 2010**.

For information regarding these new BRDs, please contact NOAA Fisheries Service's Pascagoula Laboratory, Harvesting Technology Branch, 3209 Frederic Street, P.O. Drawer 1207, Pascagoula, Mississippi 39568; phone: (228) 762-4591.

All the new tests on the Extended Funnel BRD were conducted in the Gulf of Mexico. The fishery in the South Atlantic is conducted in shallower water, using somewhat different gear and methods, and the bycatch is different from the bycatch found in the Gulf of Mexico fishery. Therefore, the results from the Gulf of Mexico tests do not apply to the South Atlantic, and the Extended Funnel BRD will remain certified for use in the South Atlantic.

This bulletin serves as a Small Entity Compliance Guide, complying with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. This bulletin provides only a summary of the information pertinent to the rule. Any discrepancies

between this bulletin and the rule as published in the *Federal Register* will be resolved in favor of the *Federal Register*.

Copies of the final rule and the revised BRD Testing Manual are available by contacting NOAA Fisheries Service's Southeast Regional Office at 263 13th Avenue South, St. Petersburg, Florida 33701. The final rule can be obtained in electronic form from the *Federal Register* Web site: <http://www.gpoaccess.gov/fr/index.html> (do an advanced search for final rules using "AU59" as a keyword), and from the Southeast Regional Office Web site: <http://sero.nmfs.noaa.gov/sf/sf.htm>

How Can We Improve These Fishery Bulletins?

If you have any suggestions on how we may improve future fishery bulletins, please contact:

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